

1 THE HONORABLE PHILIP H. BRANDT
2 CHAPTER 13
3 HEARING DATE: October 28, 2009
4 HEARING TIME: 1:30 p.m.
5 LOCATION: Tacoma, Washington
6 RESPONSE DATE: October 21, 2009

7
8 **IN THE UNITED STATES BANKRUPTCY COURT FOR THE**
9 **WESTERN DISTRICT OF WASHINGTON AT TACOMA**

10 SUSAN LEE MCCMANUS) Case No. 08-40644
11)
12) NOTICE AND MOTION FOR
13) DISMISSAL PURSUANT TO
14) 11 U.S.C., SECTION 1307(c)
15 Debtor(s).)

16 **NOTICE**

17 You and each of you are hereby notified that the undersigned will bring
18 on for hearing before the Bankruptcy Judge of the above entitled Court, 1717
19 Pacific Ave., Room I, Tacoma, Washington, 98402 on Wednesday, October 28,
20 2009 at 1:30 p.m. a Motion for Dismissal of the above-captioned case.
21 Response required by Wednesday, October 21, 2009.

22 **MOTION**

23 **COMES NOW** David M. Howe the standing Chapter 13 Trustee and
24 moves as follows:

- 25 1) The debtor filed this case on **February 21, 2008** and the plan was
confirmed on February 4, 2009.

David M. Howe
Chapter 13 Trustee
1551 Broadway, Ste 600
Tacoma, WA 98402
(253) 572-6600

- 1 2) Pursuant to the plan, the debtor is required to make plan
2 payments of **\$3,050.00** per month; Debtor is presently delinquent
3 in plan payments in the amount of **\$16,108.81**.
4
5 3) The debtor has otherwise defaulted under the terms of the Plan as
6 follows: 1307(c)(1) unreasonable delay by the debtors that is
7 prejudicial to the creditors; **failure to remit plan payments.**

8
9 **WHEREFORE** the Trustee prays that this case be dismissed and closed.

10 **DATED** this 10th day of September, 2009.

11
12 /s/ David M. Howe
13 DAVID M. HOWE,
14 Chapter 13 Trustee

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25 David M. Howe
 Chapter 13 Trustee
 1551 Broadway, Ste 600
 Tacoma, WA 98402
 (253) 572-6600

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3 **CERTIFICATE OF MAILING**
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5 I declare under penalty of perjury under the laws of the State of
6 Washington as follows:

7 I, Kari Lohr, mailed via regular mail a true and correct copy of the Notice
8 and Motion for Dismissal to the following:
9

10 Recovery Management Systems Corporation
11 c/o Ramesh Singh
12 25 SE 2nd Ave Ste 1120
Miami, FL 33131-1605

13 Susan Lee McManus
14 204 Lane Blvd NE
Orting, WA 98360

15 Travis A Gagnier Attorney at Law
16 33507 9th Ave S Bldg F
PO Box 3949
17 Federal Way, WA 98063-3949

18 Mark Moburg
19 Routh Crabtree Olsen PS
3535 Factoria Blvd SE Ste 200
Bellevue, WA 98006

20 Lance E Olsen
21 Routh Crabtree & Olsen PS
22 3535 Factoria Blvd SE Ste 200
PO Box 4143
23 Bellevue, WA 98009-4143
24

25 David M. Howe
Chapter 13 Trustee
1551 Broadway, Ste 600
Tacoma, WA 98402
(253) 572-6600

1 James K Miersma
2 Routh Crabtree & Olsen PS
3 3535 Factoria Blvd SE Ste 200
4 Bellevue, WA 98006

5 The following parties received Notice and Application for Dismissal via
6 ECF:

- 7 • Travis A. Gagnier gagnierecf@bestbk.com
- 8 • James K Miersma ecf@rcolegal.com
- 9 • Mark Moburg ECF@rcolegal.com
- 10 • Lance E Olsen ecf@rcolegal.com
- 11 • US Trustee USTPRegion18.SE.ECF@usdoj.gov

12 Executed at Tacoma, Washington on the 10th day of September, 2009.

13
14 /s/ Kari Lohr
15 KARI LOHR
16 Case Administrator
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David M. Howe
Chapter 13 Trustee
1551 Broadway, Ste 600
Tacoma, WA 98402
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